

SECOND REGULAR SESSION

# HOUSE BILL NO. 2547

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

5289H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 162.091, RSMo, and to enact in lieu thereof two new sections relating to school boards, with a penalty provision.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 162.091, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.091 and 170.145, to read as follows:

162.091. **1. As used in this section, the term "public official" means any:**

(1) County clerk[~~;~~];

(2) County treasurer[~~;~~];

(3) School board member, officer, or employee[~~;~~]; or

(4) Other officer[~~;~~].

**2. Any public official** who willfully neglects or refuses to perform any duty imposed upon ~~him~~ **such public official** by chapters 160 to 168[~~;~~] **or chapter 170, 171, 177 [and], or** 178, or who willfully violates any provision of ~~these~~ **such** chapters, is guilty of a misdemeanor and on conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail not to exceed one year.

**3. Any person aggrieved by the willful neglect or refusal of a public official to perform any duty imposed upon such public official by chapters 160 to 168 or chapter 170, 171, 177, or 178 shall have a civil claim for damages against such public official for:**

(1) Injunctive relief;

(2) Compensatory damages;

(3) Punitive damages;

(4) Costs of litigation including, but not limited to, expert witness fees; and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(5) Reasonable attorney's fees for the prosecution of the action.**

19           **4. Neither sovereign immunity nor official immunity shall be a defense in any**  
20 **such civil action.**

**170.145. 1. As used in this section, the following terms mean:**

2           **(1) "Harmful media", any media containing violence, prejudice, sexual content,**  
3 **or stereotyping;**

4           **(2) "Public school", the same definition as in section 160.011;**

5           **(3) "Pupil", a child enrolled in and attending a public school within a school**  
6 **district;**

7           **(4) "School district", the same definition as in section 160.011.**

8           **2. The school board of each school district shall develop policies relating to the**  
9 **following:**

10          **(1) The protection of pupils from the use of any harmful media as course**  
11 **material for any course of instruction;**

12          **(2) The protection of pupils from exploitation by advertisers, media**  
13 **professionals, and any individual, organization, or entity by way of a child's use of**  
14 **the internet while on public school property;**

15          **(3) A requirement that any media used as course material for any course of**  
16 **instruction or to which a pupil is exposed shall decrease the emphasis on any media**  
17 **coverage of gratuitous violence and acknowledge that repeated coverage of violence**  
18 **fosters mimicry, fear, and anxiety;**

19          **(4) An affirmation of the right and responsibility of parents to determine**  
20 **appropriate programs, games, and toys for their children;**

21          **(5) A requirement that any advertiser, media professional, or curriculum**  
22 **professional shall use standard grammar and correct spelling, refrain from the use of**  
23 **sexist terminology and profanity, and promote positive educational programming; and**

24          **(6) An expression of support for the entertainment industry's continued efforts**  
25 **to edit movies for educational use and make such movies available in all current**  
26 **formats.**

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